

SUMMARY OF RULE REVISIONS FOR NEW RULE 203

(PERMIT REQUIREMENTS FOR OPEN OUTDOOR BURNING ACTIVITIES)

Maricopa County issues Burn Permits to limit the emissions of air contaminants produced from combustion of any type of material outdoors, where the products of combustion are not directed through a chimney. Historically, Maricopa County has had only one rule, Rule 314 (Open Outdoor Fires), that describes the emission standards for open outdoor burning activities. Now, however, Maricopa County is proposing New Rule 203, that describes the permit requirements for open outdoor burning activities. New Rule 203 is proposed to complement Rule 314.

To publicly discuss New Rule 203, Maricopa County conducted Public Workshop #1 on May 21, 1998 and Public Workshop #2 on August 20, 1998. Maricopa County revised draft New Rule 203 per comments made during and after these two Public Workshops. Such revisions are described below and appear in New Rule 203 draft October 15, 1998.

Maricopa County conducted Public Workshop #3 on October 15, 1998. In New Rule 203 draft January 21, 1999, Maricopa County made revisions per comments made during and after Public Workshop #3. Such revisions are double-underlined below.

Maricopa County conducted Public Workshop #4 on January 21, 1999. In New Rule 203 draft February 18, 1999, Maricopa County made revisions per comments made during and after Public Workshop #4. Such revisions are in **bold text** below.

Maricopa County will conduct Public Workshop #5 on February 18, 1999 at 9 am in Maricopa County Air Quality Division offices located at 1001 North Central Avenue. During Public Workshop #5, Maricopa County will discuss any and all proposed revisions to New Rule 203, including the following:

- Section 101 (Purpose): In Rule 203 draft January 21, 1999, changed Section 101 from: "Purpose: The purpose of Rule 203 is, through the issuance of Burn Permits, to limit emissions from open outdoor burning activities conducted for agricultural, commercial, industrial, or governmental agency purposes", to: "Purpose: Rule 203 describes the permit requirements for open outdoor burning activities".

- Section 102 (Applicability): Added Section 102 to draft Rule 203 - October 15, 1998. Section 102 reads: "Applicability: The requirements of this rule are applicable to any open outdoor burning activities conducted for agricultural, commercial, industrial, or governmental agency purposes". In Rule 203 draft January 21, 1999, changed Section 102 to read: "Applicability: Rule 203 is applicable to any open outdoor burning activity, that is conducted for agricultural, commercial, institutional, or industrial purposes, and/or is conducted by any governmental entity".

- Section 103 (Effective Date Of This Rule): Added Section 103 to draft Rule 203 - October 15, 1998. Section 103 reads: "Effective Date Of This Rule: Rule 203, adopted by the Board Of Supervisors on (date of Board adoption), shall be effective (the first day of the second month after the month of adoption)".

- Section 202 (Definition Of Ditchbank/Fence Row): In Rule 203 draft October 15, 1998, divided Section 202 into two sections, Section 202 (Definition Of Ditchbank) and Section 203

Double-underlined text represents proposed revisions to Rule 203 per comments made during and after Public Workshop #3 held on October 15, 1998.

Bold text represents revisions to Rule 203 per comments made during and after Public Workshop #4 held on January 21, 1999.

(Definition Of Fence Row). Section 202 reads: "Ditchbank - A lateral area not to exceed two and one half feet on either side of the center line of a ditch".

- Section 203 (Definition Of Fence Row): In Rule 203 draft October 15, 1998, added Section 203. Section 203 reads: "Fence Row - A lateral area not to exceed two and one half feet on either side of the center line of a fence".
- Section 204 (Definition Of Open Outdoor Burning Activity): In Rule 203 draft January 21, 1999, changed, in Section 204, the term, "flue", to the term, "chimney".
- Section 205 (Definition Of Responsible Party): In Rule 203 draft January 21, 1999, changed Section 205 from: "Responsible Party - The individual or entity responsible for any and all dust generating activities occurring on any parcel/property or any portion of a parcel/property, including but not limited to, the property owner, lessee, developer, or general/prime contractor", to: "Responsible Party - The individual or entity responsible for any and all open outdoor burning activities occurring on any parcel/property or on any portion of a parcel/property."
- Section 301 (Burn Permit Requirements): In Rule 203 draft October 15, 1998, changed Section 301 as follows: "Burn Permit Requirements: A Burn Permit shall be issued for open outdoor burning activities conducted for agricultural, commercial, industrial, or governmental agency purposes. A responsible party shall acquire a Burn Permit, before conducting any of the following open outdoor burning activities for agricultural, commercial, industrial, or governmental agency purposes: The following subsections of this rule, Subsections 301.1 thru 301.7, describe open outdoor burning activities that require a Burn Permit. The responsible party must first obtain a Burn Permit from the Control Officer, before commencing any of the open outdoor burning activities listed in Subsections 301.1 thru 301.7 of this rule. Burn Permit exemptions are described in Section 302 of this rule. The issuance of a Burn Permit shall not relieve the responsible party from compliance with any Federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the responsible party from obtaining a permit required under these rules". In Rule 203 draft January 21, 1999, changed Section 301 to read: "Burn Permit: Before commencing any of the open outdoor burning activities listed in Subsection 301.1 thru Subsection 301.7 of this rule, the responsible party shall first obtain a Burn Permit from the Control Officer.. Burn Permit exemptions are described in Section 302 of this rule. The issuance of a Burn Permit shall not relieve the responsible party from compliance with any and all Federal laws, State laws, and/or others of these rules, as such other requirements apply. Likewise, any Federal law or any State law does not relieve the responsible party from obtaining a Burn Permit, according to this rule".
- Subsection 301.1 (Burn Permit-Disease/Pest Prevention): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.1.
- Subsection 301.2 (Burn Permit-Fire Hazard): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.2.
- Subsection 301.3 (Burn Permit-Firefighting Training Areas And Training Structures): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.3. **In Rule 203 draft February 18, 1999, added a second sentence to Subsection 301.3, "See Subsection 302.9 of this rule for an exemption to this requirement".**

- Subsection 301.4 (Burn Permit-Ditchbank/Fence Row): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.4.
- Subsection 301.5 (Burn Permit-Tumbleweeds): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.5.
- Subsection 301.6 (Burn Permit-Land Clearance): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.6.
- Subsection 301.7 (Burn Permit-Air Curtain Destructor): In Rule 203 draft October 15, 1998, added, "A responsible party shall obtain a Burn Permit, before conducting open outdoor burning activities...", to the beginning of the sentence in Section 301.7.
- Section 302 (Exemptions): In Rule 203 draft October 15, 1998, changed the title of Section 302 from "Exemptions" to "Burn Permit Exemptions" and changed the introductory text as follows: ~~"Burn Permit Exemptions: This rule shall not apply to the following open outdoor burning activities: The responsible party is not required to obtain a Burn Permit for the open outdoor burning activities described in Subsection 302.1 thru Subsection 302.7 of this rule. However, if conducting open outdoor burning activities without a Burn Permit, would result in a violation of the Act, then the responsible party shall obtain the appropriate permit. The responsible party, that is exempt from obtaining a Burn Permit according to this section, shall still comply with all other applicable requirements of these rules, of any Arizona laws, and of any Federal laws".~~ In Rule 203 draft January 21, 1999, changed Section 302 to read: "Burn Permit Exemptions: The responsible party shall not be required to obtain a Burn Permit in order to conduct open outdoor burning activities described in Subsection 302.1 thru Subsection 302.7 of this rule. However, if conducting such activities without a Burn Permit, would result in a violation of the Clean Air Act, then the responsible party shall obtain the appropriate permit(s). The responsible party, who is exempt from obtaining a Burn Permit according to this rule, shall still comply with all other applicable requirements of these rules, of any State laws, and of any Federal laws".
- Subsection 302.1(Burn Permit Exemptions-Domestic Cooking): In Rule 203 draft October 15, 1998, added a title to Section 302.1 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence.
- Subsection 302.2 (Burn Permit Exemptions-Warmth For Human Beings): In Rule 203 draft October 15, 1998, added a title to Section 302.2 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence.
- Subsection 302.3 (Burn Permit Exemptions-Recreational Purposes): In Rule 203 draft October 15, 1998, added a title to Section 302.3 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence.
- Subsection 302.4 (Burn Permit Exemptions-Branding Animals): In Rule 203 draft October 15, 1998, added a title to Section 302.4 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence.
- Subsection 302.5 (Burn Permit Exemptions-Orchard Heaters): In Rule 203 draft October 15, 1998, added a title to Section 302.5 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence.

- Subsection 302.6 (Burn Permit Exemptions-Disposal Of Dangerous Material): In Rule 203 draft October 15, 1998, added a title to Subsection 302.6 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence. Subsection 302.6 reads: "Disposal Of Dangerous Material: The responsible party is not required to obtain a Burn Permit for disposal of dangerous material, where there is no safe alternative method of disposal. For the purposes of this rule, "dangerous material" means any substance or combination of substances which is able or likely to inflict bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner. Fires set for the disposal of dangerous materials shall be allowed without a Burn Permit, only when there is no safe alternative method of disposal and when the burning of such material does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts which will endanger health or safety". In Rule 203 draft January 15, 1999, changed Subsection 302.6 to read: "Disposal Of Dangerous Material: The responsible party shall not be required to obtain a Burn Permit, from the Control Officer, in order to dispose of dangerous material. However, the responsible party is obligated to comply with the Department Of Environmental Quality's (ADEQ's) regulations regarding the disposal of dangerous material. In addition, the responsible party is obligated to comply with any and all Federal laws, State laws, and/or others of these rules, as such other requirements apply. For the purpose of this rule, "dangerous material" means any substance or combination of substances which is likely to inflict bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner".

- Subsection 302.7 (Burn Permit Exemptions-Fire Extinguisher Training): In Rule 203 draft October 15, 1998, added a title to Section 302.7 and added, "The responsible party is not required to obtain a Burn Permit for...", to the beginning of the sentence.

- **Subsection 302.8 (Burn Permit Exemptions-Testing Potentially Explosive-Containing Products):** In Rule 203 draft February 18, 1999, added Subsection 302.8, "Testing Potentially Explosive-Containing Products: The responsible party shall not be required to obtain a Burn Permit in order to test potentially explosive-containing products (i.e., automotive airbags and rocket motors, and gas generators) for hazard classification, packaging performance, propagation, and/or mass fire. In addition, the responsible party shall not be required to obtain a Burn Permit in order to test potentially explosive-containing products for military and police training. This exemption applies only when the testing is controlled, is relatively small, occurs infrequently and is not considered to be nor associated with the disposal of dangerous material".

- **Subsection 302.9 (Burn Permit Exemptions-Firefighting Training Areas And Training Structures)** In Rule 203 draft February 18, 1999, added Subsection 302.9, "Firefighting Training Areas And Training Structures: The responsible party shall not be required to obtain a Burn Permit for firefighting training areas and training structures, if the sole source of flame is a burner fueled by either liquefied petroleum gas or natural gas, with a British Thermal Unit (BTU) input per hour rating of less than 2,000,000 BTUs".

- Section 402 (Burn Permit Fees): In Rule 203 draft October 15, 1998, added Section 402. Section 402 reads: "Burn Permit Fees: The responsible party shall pay the required fees as set forth in Rule 280 of these rules". In Rule 202 draft January 21, 1999, moved Section 402 to Section 405; Re-numbered the subsequent sections.

- Section 402 (Burn Permit Conditions): In Rule 203 draft January 21, 1999, changed Section 403 (Burn Permit Conditions) from: "The Control Officer may impose on any Burn Permit condition(s) that are necessary to ensure compliance with Federal laws, Arizona laws, or these

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rules. These condition(s) may include, but are not limited to, restricted burn hours, notification of intent to burn, and Burn Permit posting”, to: “402 Burn Permit Conditions: The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, State laws, or these rules. These condition(s) may include, but are not limited to, restricted burn hours, notification of intent to burn, and Burn Permit posting”.